

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DEREK A. STEWART,

Plaintiff,

vs.

**Case No.: 2:13-cv-741
JUDGE GEORGE C. SMITH
Magistrate Judge Abel**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On March 7, 2014, the United States Magistrate Judge issued a *Report and Recommendation* finding that the Administrative Law Judge's decision is not supported by substantial evidence and should be **REMANDED** for further proceedings. (*Report and Recommendation*, Doc. No. 22). This matter is now before the Court on Defendant, the Commissioner of Social Security's Objections to the *Report and Recommendation*. (*Objection*, Doc. No. 23). The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The Commissioner objects to the findings of the Report and Recommendation that the Administrative Law Judge did not properly consider whether Plaintiff met or equaled listing 12.05C, noting that all of the scores were above the threshold required in listing 12.05C. Further, the Commissioner objects to the findings that the Administrative Law Judge did not properly evaluate the opinion of Ms. Suver, a nurse practitioner.

The Court has carefully considered the Commissioner's objections and for the reasons stated in the *Report and Recommendation*, this Court finds that the objections are without merit.

The *Report and Recommendation*, Doc. No. 22, is **ADOPTED** and **AFFIRMED**. Defendant's Objections are hereby overruled. The Clerk is instructed to remand this case for further proceedings consistent with the Report and Recommendation.

The Clerk shall remove Document 22 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT